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ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

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January 5, 2006

Geraldine Cuddyer, Chairwoman
Election Department
Boston City Hall
1 City Hall Plaza, Room 241
Boston, Massachusetts 02201

Re: Observations of November 8, 2005 Elections

Dear Chairwoman Cuddyer:

We are writing to summarize our observations from monitoring the November 8, 2005 Elections for compliance with the federal Voting Rights Act, the Help America Vote Act ("HAVA"), and the Memorandum of Agreement and Settlement ("Agreement") entered on September 15, 2005 in the United States District Court for the District of Massachusetts, and to document other barriers encountered by Asian American and Latino voters. We thank you once again for allowing us to conduct these activities, and hope to continue to work with your office to improve voting procedures for all Boston voters.

As you know, the Asian American Legal Defense and Education Fund is a nonpartisan civil rights organization that protects and promotes the voting rights of Asian Americans. We collaborated with Greater Boston Legal Services/Asian Outreach Unit, Lawyers' Committee for Civil Rights of the Boston Bar Association, Chinese Progressive Association, Vietnamese American Initiative for Development, and the law firm of Weil, Gotshal & Manges in this effort. We limited our activities on Election Day to conducting a nonpartisan, anonymous exit poll and interviewing voters after they voted or were denied the opportunity to vote.

On November 8, 2005, we observed 29 poll sites in Boston with large percentages of Chinese Vietnamese, and Latino voters. Attachment A lists the poll sites and subsequent Attachments provide details about the individual poll sites. At the outset, we commend the City on its efforts to make Elections accessible to limited English proficient Asian American and Latino voters.

I. Voter Survey Results

In our multilingual, nonpartisan exit poll, we surveyed 148 Asian American voters, of which 78% were Chinese, 10% Southeast Asian (primarily Vietnamese), 3% Korean, and 2% Other Asian. Voters spoke Cantonese (65%), English (14%), Vietnamese (9%), Mandarin (1%), Korean (1%), and various other languages (5%).

First-time voters comprised 17% of those surveyed, while 72% indicated they had cast votes in prior Elections. Nevertheless, 68% of voters were limited English proficient, and 32% of voters indicated they used an interpreter provided by the city or brought a friend or family member to translate. Another 9% of voters said they used translated voting materials.

Exhibit A

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2. Multilingual signs and translated voting materials

We observed that poll sites generally complied with state and federal requirements for notifying voters about where and how to vote, that interpreters were available, and their voting rights under Massachusetts law. Still, several poll sites were missing multilingual signs and Chinese, Vietnamese, and Spanish voter assistance materials as required under Paragraphs 1, 19, 20, and 21 of the Agreement.

Paragraph 1 of the Agreement requires the city to provide "registration or voting notices, forms, instructions, assistance or other materials or information relating to the electoral process, including ballots" in Chinese, Vietnamese, and Spanish.

Nevertheless, we observed that the poll sites below did not provide some of the required voting materials. We ask that you confirm whether poll wardens at these poll sites documented similar observations in a checklist made available to the public, as required under Paragraph 17 of the Agreement, and, if absent, to append these incidents to the lists based on our observations below.

Dorchester

- VietAID Community Center (Ward 15, Precincts 7/8)
Vietnamese provisional/escrow ballots and envelopes remained unopened.
- National Guard Armory (Ward 16, Precinct 2)
Vietnamese provisional/escrow ballots and envelopes, and voter registration forms, remained unopened.
- Richard J. Murphy School (Ward 16, Precinct 5)
Vietnamese provisional/escrow ballots and envelopes, and voter registration forms, remained unopened.
- Savin Hill Apartments (Ward 15, Precinct 6)
Poll workers stored Chinese and Vietnamese voting materials behind the interpreters' table. An interpreter explained that because Vietnamese voters were particularly self-conscious about notifying workers about voting problems, the interpreters would privately address their problems away from the crowded check-in tables when those problems arose. Please confirm that the poll warden documented this procedure. Finally, Spanish-language materials were generally missing from the table.
- Dorchester House (Ward 15, Precinct 9)
Chinese and Vietnamese voter assistance materials were not provided unless explicitly requested. Poll workers claimed the tables were too small. Meanwhile, Spanish voter assistance materials were placed on a side table.

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- Pasciucco Apartments (Ward 15, Precinct 4)
Chinese and Vietnamese voter assistance materials were not provided unless explicitly requested. Poll workers claimed the tables were too small. Meanwhile, Spanish voter assistance materials were placed on a side table.
- Edward Everett School (Ward 13, Precinct 9)
All Chinese, Vietnamese, and Spanish voter assistance materials were missing.
- St. Williams School (Ward 13, Precinct 10)
All Chinese, Vietnamese, and Spanish voter assistance materials were missing.
- Early Learning Center (Ward 15, Precinct 1)
Chinese, Vietnamese, and Spanish voter assistance materials were available only upon request.

Fenway

- Morville House (Ward 4, Precincts 6/7)
Chinese and Vietnamese provisional/escrow ballots and envelopes, and voter registration forms, remained unopened. Our observer spoke with the poll warden who said that poll workers provided these materials upon a voter's request.
- YWCA (Ward 4, Precincts 5/8)
Chinese and Vietnamese provisional/escrow ballots and envelopes, and voter registration forms, remained unopened. The poll warden explained that most of the non-English speaking voters in the precincts were Russian. Finally, Spanish voter assistance materials were available only upon request.
- Blackstone School (Ward 8, Precinct 2)
Although this precinct provided almost all Chinese voting materials, Vietnamese provisional/escrow ballots and envelopes, and voter registration forms, remained unopened.

Mission Hill

- Simmons College (Ward 4, Precinct 10)
Chinese provisional/escrow ballots and envelopes, and voter registration forms, remained unopened.

Rude and hostile poll workers

While poll site operations generally remained transparent, the poll warden at the Alexander Hamilton School (Ward 21, Precinct 16) blocked our observer's access to view and/or inquire about translated voting materials.

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Our observers also documented barriers that voters encountered while trying to vote. Specific complaints made by Asian American voters included:

- A voter at the Franklin Institute (Ward 5, Precinct 1) in Chinatown was given a Spanish-translated ballot even though she was of Asian descent. The voter further complained that Asian translators were not visible.
- Another voter at the Josiah Quincy School (Ward 3, Precinct 8) in Chinatown reported that her name was not on the voter roll even though she had previously registered through "motor-voter." The voter also reported that poll workers failed to provide her with a provisional ("escrow") ballot.

Despite these incidents, our observers generally found poll workers knowledgeable, courteous to voters, and quick to respond to voting problems. This contrasts sharply to reports of impatient and hostile poll workers in the March 14, 2005 Primary Elections, and we are glad to continue working with your department to ensure that poll worker training continues to improve.

4. Language assistance, interpreters, and mistranslated materials

Paragraphs 6, 8, and 9 of the Agreement further provide for the recruitment and training of bilingual Election officers (Spanish, Chinese, and Vietnamese), and Paragraph 10 provides for on-call interpreters in any polling place without bilingual Election officers and meets a pre-determined formula by the U.S. Department of Justice. Our observers, however, reported that there were no interpreters at the following poll sites even though they fell under the Justice Department's formula:

- Chinese Interpreters
Tent City (Ward 4, Precinct 2)
Simmons College (Ward 4, Precinct 10)
- Vietnamese Interpreters
Richard J. Murphy School (Ward 16, Precinct 5)
National Guard Armory (Ward 16, Precinct 2)
Franklin Institute (Ward 5, Precinct 1)
- Spanish Interpreters
Viet Aid Community Center (Ward 15, Precincts 7/8)
YWCA of Boston (Ward 3, Precinct 7)
Pasciucco Apartments (Ward 15, Precinct 4)
Franklin Institute (Ward 5, Precinct 1)
Dorchester House (Ward 15, Precinct 9)

Relatedly, we found that ballots did not include transliterations of candidates' names. We understood this to be specifically part of the agreement with the Justice Department. We are sensitive to the short time frame in which the Commission had to prepare for this Election. We look forward to seeing the transliterations of candidates' names in future ballots.

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Finally, as you know, Paragraphs 21 and 28(g) of the Agreement provide for sample or facsimile ballots in Chinese, Vietnamese, and Spanish. The Chinese Progressive Association, however, reported to us that three translation errors existed on the Chinese specimen ballot, including:

- "specimen ballot" was translated as "candidate public announcement";
- "district" was translated as "administrative district" rather than "electoral district";
- "at-large" was translated as "the entire council" rather than "at-large" (all-city);

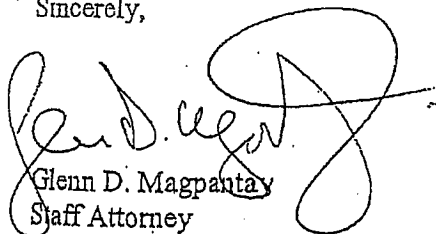
Finally, CPA also expressed concern that translations and transliterations need to be proofread by someone not only fluent in Chinese and English, but also knowledgeable about the community and Elections.


5. Recommendations

In summary, we recommend that poll worker trainings emphasize that translated voting materials should be highly visible and readily available to limited English proficient voters. As CPA also suggested, we hope you work with knowledgeable community groups to verify the accuracy of translated voting materials and transliterations of candidates' names.

We hope you will consider our concerns and recommendations for improvement. Indeed, the past Election demonstrates that a committed effort between your office and the Asian American and Latino communities of Boston can help meet our common goal to ensure access to the vote among those populations. We look forward to helping you in this effort. If you have any questions, please do not hesitate to contact us at (212) 966-5932. Thank you.

Sincerely,


Glenn D. Magpantay
Staff Attorney


Phillip A. Olaya, Esq.
Voting Rights Public Education Coordinator

cc: Merita A. Hopkins, Office of the Mayor
Kate Cook, City of Boston Law Department
Michelle K. Tassinari, Secretary of the Commonwealth of Massachusetts
Chris Coates, James Walsh, U.S. Department of Justice

Attachments

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ATTACHMENT A

Sites Monitored by AALDEF for Compliance with
Section 203, HAVA, and September 15, 2005 Settlement Agreement

Back Bay

BU - Myles Standish Hall 30 Bay State Rd. Ward 5, Precinct 10

Brighton

Academy Hill Library 40 Academy Hill Rd. Ward 22, Precinct 3
JCC for the Elderly 30 Wallingford Rd. Ward 21, Precinct 13
Alexander Hamilton School 198 Strathmore Rd. Ward 21, Precinct 16
Thomas A. Edison School 60 Glenmont Rd. Ward 22, Precinct 8

Chinatown

Josiah Quincy School 885 Washington St. Ward 3, Precinct 8
YWCA of Boston 40 Berkeley St. Ward 3, Precinct 7
Franklin Institute 465 Tremont St. Ward 5, Precinct 1

Dorchester

St. Mark's School 197 Centre Ward 16, Precincts 3/6
Patrick O'Hearn School 1669 Dorchester Ave. Ward 16, Precincts 1/4
Branch Library 690 Adams St. Ward 16, Precinct 8
Viet Aid Community Ctr. 42 Charles St. Ward 15, Precincts 7/8
National Guard Armory 70 Victory Rd. Ward 16, Precinct 2
Richard J. Murphy School 1 Worrell St. Ward 16, Precinct 5
Savin Hill Apartments 130 Auckland St. Ward 15, Precinct 6
Edward Everett School 71 Pleasant St. Ward 13, Precinct 9
St. Williams School 100 Savin Hill Ave. Ward 13, Precinct 10
Dorchester House 1353 Dorchester Ave. Ward 15, Precinct 9
Pasciucco Apartments 330 Bowdoin St. Ward 15, Precinct 4
Early Learning Center 370 Columbia Rd. Ward 15, Precinct 1

Downtown

City Hall 1 City Hall Plaza Ward 3, Precinct 6
Christopher Columbus 145 Commercial St. Ward 3, Precinct 1
Elderly Housing

Fenway

Morville House 100 Norway St. Ward 4, Precincts 6/7
YWCA 316 Huntington Ave. Ward 4, Precincts 5/8

Mission Hill

Robert and Theresa Parks 2 New Whitney St. Ward 10, Precinct 4
Community Center
Simmons College Ave. Louis Pasteur Ward 4, Precinct 10

South End

Tent City Community Room 130 Dartmouth St. Ward 4, Precinct 2
Blackstone School 380 Shawmut Ave. Ward 8, Precinct 2

ATTACHMENT B - Language Assistance: Multilingual Signs and Chinese, Vietnamese, and Spanish Voting Materials

Key:

✓ - Present U - Under table R - Provided upon request

X - Missing S - Side table

Poll Site and Ward Precinct	Multilingual Signs (outside and/or at entrance)							Chinese Materials at Check-in Table				Vietnamese Materials at Check-in Table				Spanish Materials at Check-in Table				
	Vote Here (outside)	Voter Instructions	Interpretation Available	Voter Bill of Rights	Fill-in-the-Oval	Comments and Feedback	Other Signs	Voter registration forms	Chinese voter registration	Provisional ballots	Provisional envelopes	Magnifying aid	Privacy sleeve	Voter registration forms	Vietnamese registration	Provisional ballots	Provisional envelopes	Magnifying aid	Privacy sleeve	
Back Bay	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
BU - Myles Standish Hall Brighton																				
Academy Hill Library	✓	✓	✓	X	✓	X		✓	✓	✓	✓	X	✓							
JCC for the Elderly	✓	✓	✓	✓	✓	✓		X	X	X	X	X	✓							
Alexander Hamilton School	X	✓	✓	✓	✓	✓		U	U	U	U	X	✓							
Thomas A. Edison School	✓	✓	✓	✓	✓	✓		✓	✓	X	X	✓	✓							
Chinatown																				
Josiah Quincy School	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
YWCA of Boston	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓							
Franklin Institute	✓		✓					✓	✓	✓	✓	✓	✓							
Dorchester																				
St. Mark's School	✓	✓	✓	✓	✓	✓		X	S	X	X	X	X	S	S	✓	✓	✓	✓	✓
Patrick O'Hearn School	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Branch Library	X	✓	✓	✓	✓	X		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Viet Aid Community Center	✓	✓	✓	✓	X	X								✓	✓	✓	✓	✓	✓	

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Attachment B: Multilingual Signs / Chinese, Vietnamese, and Spanish Voting Materials

Poll Site and Ward Precinct	Multilingual Signs (outside and/or at entrance)						Chinese Materials at Check-in Table						Vietnamese Materials at Check-in Table						Spanish Materials at Check-in Table						
	Vote Here (outside)	Voter Instructions	Interpretation Available	Voter Bill of Rights	Fill-in-the-Oval	Comments and Feedback	Other Signs	Voter registration Forms	Chinese voter registration	Provisional ballots	Provisional envelopes	Magnifying aid	Privacy sleeve	Voter registration Forms	Vietnamese registration	Provisional ballots	Provisional envelopes	Magnifying aid	Privacy sleeve	Voter registration forms	Spanish voter registration	Provisional ballots	Provisional envelopes	Magnifying aid	Privacy sleeve
National Guard Armory	✓	✓	✓	✓	✓	✓								✓	✓	✓	✓	✓	✓						
Richard J. Murphy School	✓	✓	✓	✓	✓	✓								✓	✓	✓	✓	✓	✓						
Savin Hill Apartments	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Edward Everett School	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
St. Williams School	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dorchester House	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Pasciocco Apartments	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					
Early Learning Center	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Downtown																									
City Hall	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓												
Christopher Columbus Elderly Housing	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓												
Fenway																									
Morville House	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
YWCA	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Mission Hill																									
Robert & Theresa Parks Comm. Ctr.	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓												
Simmons College	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
South End																									
Teat City	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Blackstone School	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

ATTACHMENT C - INTERPRETATION

ATTACHMENT C - INTERPRETERS

Poll Site and Ward Precinct	Chinese Interpreters	Vietnamese Interpreters	Spanish Interpreters
Back Bay			
BU - Myles Standish Hall	1	0	1
Brighton			
Academy Hill Library	1		
JCC for the Elderly	2-3		
Alexander Hamilton School	2		
Thomas A. Edison School	1		
Chinatown			
Josiah Quincy School	4	1	1
YWCA of Boston	3		
Franklin Institute	3		
Dorchester			
St. Mark's School	1	3	1
Patrick O'Hearn School	1	2	1
Branch Library		1	
VietAID Community Center		2	
National Guard Armory			
Richard J. Murphy School			
Savin Hill Apartments		1	
Edward Everett School	1	1	
St. Williams School	1	1	
Dorchester House		1	
Pasciocco Apartments		1	
Early Learning Center			1
Downtown			
City Hall	1		
Christopher Columbus Elderly Housing	1		
Fenway			
Morville House	1		1
YWCA	1		1
Mission Hill			
Robert & Theresa Parks Comm. Ctr.	2		2
Simmons College			
South End			

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Attachment C: Interpreters*

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Poll Site and Ward Precinct	Chinese Interpreters	Vietnamese Interpreters	Spanish Interpreters
Tent City	1		4
Blackstone School			